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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/550,476	04-Dec-08	ROBERT L. CROOK, ET. AL.	NONE

Title: COMPOSITE PRESS FELT

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Art Unit	Paper Number
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AVILLA, IN. 46710

PATENT & TRADEMARK OFFICE
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JAN 15 2009

LICENSING & REVIEW

Please find attached a communication from the Examiner regarding the
Petition for Retroactive License under 37 CFR 5.25.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Petitioner: CROOK, et al. :DECISION ON REQUEST
Petition No.: 10/550,476 :UNDER 37 CFR 5.25
Petition date: 04 December 2008

Title: COMPOSITE PRESS FELT

This is a decision on the petition filed 04 December 2008 for retroactive foreign filing license.

Decision: Denied

37 CFR 5.25(a) requires the following:

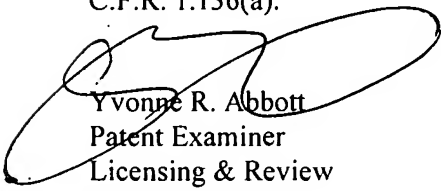
1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
 - i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
 - ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
 - iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(h)).

The petition is Denied at this time in that the petition is defective since the requirement set forth in 37 C.F.R. 5.25(a)(3)(ii) has not been met.

There is no showing that the license has been diligently sought after discovery of the foreign filing since there was an extensive lapse between the discovery of the error 01 February 2007, the decision to proceed with the petition on 24 June 2007, and the ultimate filing of said petition on 04 December 2008.

Thus, in the absence of a showing of diligence, the provisions of 37 CFR 5.25 have not been met.

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is DENIED, and in the absence of any response within **60 days** of the mailing date of this letter, such denial will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had under 37 C.F.R. 1.136(a).


Yvonne R. Abbott
Patent Examiner
Licensing & Review
(571) 272-6896

04-Dec-08

10/550,476

*Free
None*

ROBERT L. CROOK, ET. AL.

COMPOSITE PRESS FELT

Retro: Yes

Expedited: No

Docket Number NONE

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Robert L. Crook, et al.
Serial No.: 10/550,476
Filed: September 23, 2005
Title: COMPOSITE PRESS FELT

)
) Group: 1731
)
)
) Examiner: Paulette R. Kidwell

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DEC 04/2008
LICENSING & REVIEW

PETITION FOR RETROACTIVE LICENSE PURSUANT TO 37 C.F.R. § 5.25

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that this petition for foreign filing license be granted under the provisions of 37 C.F.R. § 5.25 retroactively to March 25, 2003, March 24, 2004, and October 25, 2005. In support of this petition, the following is stated:

1. The above-identified U.S. patent application claims priority under 35 U.S.C. §§ 119 and 371 to GB0306769.1 and PCT/EP2004/050359, respectively.
2. A filing receipt for the present application was mailed on September 27, 2006, indicating that the foreign filing license has been granted.
3. Patent application no. GB0306769.1 was filed in Great Britain on March 25, 2003 without a license for foreign filing.
4. PCT patent application no. PCT/EP2004/050359 was filed on March 24, 2004 without a license for foreign filing. A copy of the PCT/EP2004/050359 application was filed with the present application.
5. On September 23, 2005, the PCT/EP2004/050359 patent application entered the national stage pursuant to 35 U.S.C. § 371 in the United States Patent and Trademark Office and

is further identified in the caption above. The inventors are Robert L. Crook, Sanjay Patel, William Daniel Aldrich, and Per Ola Lidar.

6. On October 25, 2005, the PCT/EP2004/050359 patent application entered the European phase (publication no. EP1620598).

7. Attached hereto is a declaration of Hans-Georg Keck made in accordance with 37 C.F.R. § 5.25(a)(3)(i)-(iii), establishing: (a) that the subject matter was not under a secrecy order at the time it was filed abroad and that it is not currently under a secrecy order; (b) the license is being diligently sought after discovery of the proscribed foreign filing; and (c) providing an explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained.

Credit card payment in the amount of \$ 130.00 is electronically filed to cover the fee required for this Petition for Retroactive License (37 C.F.R. § 1.17(h)). If any additional fee is required, please charge to Account No. 20-0095, Taylor & Aust, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,

/Todd T. Taylor/

Todd T. Taylor
Registration No. 36,945

Attorney for Applicant

TTT8/bd

Electronically filed July 31, 2007

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Enc.: Declaration

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